

ON

Notice of Allowability

Applicant(s)

10/821,157

Examiner

Eric B. Compton

Applicant(s)

ARMITAGE ET AL.

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed October 22, 2004.
2. ☒ The allowed claim(s) is/are 8,11,12,15-17,19-21,24 and 25.
3. ☒ The drawings filed on 08 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Zalobsky on December 29 & 30, 2004.

The application has been amended as follows:

In the Specification:

Section [0001] on page 1 has been replaced as follows:

--This is a continuation of U.S. Patent Application Serial No. 10/097,701 filed March 13, 2002 entitled "Foam Lined Propshaft," now U.S. Patent 6,752,722--

In the Claims:

Claims 13, 14, and 18 have been canceled.

In claim 8, line 14 (at end of claim) --in order to reduce displacement at the anti-nodes.-- has been inserted.

In claim 15, line 14 (at end of claim) --in order to reduce displacement at the anti-nodes.-- has been inserted.

In claim 19, line 10 (at end of claim) --in order to reduce displacement at the anti-nodes.-- has been inserted.

In claim 24, line 12 (at end of claim), -- wherein the first and second insert members are non-identical in order to reduce displacement at the anti-nodes.-- has been inserted.

Remarks

2. The priority statement was amended to reflect the issuance of the parent application.
3. Claims 13, 14, and 18 were canceled because the limitation, "wherein the first and second inserts are similar" is vague and conflicts with the limitation that the inserts are "non-identical."
4. Claim 24 was amended to include the limitation "wherein the first and second insert members are non-identical in order to reduce displacement at the anti-nodes." This limitation was added to further define over GB 1,462,170, which suggests a similar invention. See Page 1, lines 82-91. However, there is no teaching that the insert members are non-identical in order to reduce displacement at the anti-nodes. The reference suggests that the dampers would be identical in order to reduce displacement at the anti-nodes with respect to a given frequency, bending mode to be damped. See Page 1, lines 68-73.
5. Claims 8, 15, 19 and 24, were amended to recite that the first and second members are non-identical "in order to reduce displacement at the anti-nodes." See Specification, [0025] (last sentence). This limitation was made to preclude broad

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interpretations of limitation "non-identical" that are superficial and unrelated to the invention, such as color, tolerance, etc.

6. The prior art does not suggest a method for forming a shaft comprising: positioning first and second inserts at the first and second anti-nodes of the second bending mode, wherein the first and second inserts are non-identical in order to reduce displacement at the anti-nodes, in combination with the other claimed subject matter.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (571) 272-4527. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Eric Compton", with a stylized flourish at the end.

Eric Compton
Patent Examiner